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FAX TRANSMISSION COVER SHEET

Date: December 8, 2004
To: United States Patent & Trademark Office
Group Art Unit 2800
Fax: 703-872-9306
Phone: 571-272-2800
Re: Serial No.: 10/028,437
Our Docket No.: 15436.437.3
Sender: Eric L. Maschoff

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Comments:

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PATENT APPLICATION
Docket No. 15436.437.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

James A. Cox, et al.

Serial No.: 10/028,437

Art Unit
2828

Filed: December 28, 2001

For: VERTICAL CAVITY SURFACE
EMITTING LASER HAVING
A GAIN GUIDE APERTURE
INTERIOR TO AN OXIDE
CONFINEMENT LAYER

Confirmation No.: 4433

Customer No.: 022913

Examiner: Hung T. Vy

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment for entry in the above-identified application.

X To render the transmitted Amendment and Response to Office Action timely filed, enclosed are the following:X Petition for Three-Month Extension of Time under 37 CFR 1.17; and

X PTO-2038 Credit Card Payment Form in the amount of \$1020.00 to cover the fee for the extension of time.

X Terminal Disclaimer.

X A Certificate of Facsimile Transmission.

X No additional fee is required.

The fee has been calculated as follows.

			SMALL ENTITY		LARGE ENTITY	
CLAIMS REMAINING AFTER	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'T'L FEE	RATE	ADD'T'L FEE
Total =	MINUS 24	= 0	X		X	0.00
Independent =	MINUS 3	= 0	x		X	0.00
1 st PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+=		+=	
			TOTAL		TOTAL	0.00

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Triplicate copies of this sheet are attached.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

Dated this 8th day of December, 2004.

Respectfully submitted,



Eric L. Maschoff
Registration No. 36,596
Attorneys for Applicant
Customer No. 022913

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PATENT APPLICATION

Docket: 15436.437.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
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	James A. Cox, et al.)
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Filed:	December 28, 2001)
)
For:	VERTICAL CAVITY SURFACE EMITTING)
	LASER HAVING A GAIN GUIDE)
	APERTURE INTERIOR TO AN OXIDE)
	CONFINEMENT LAYER)
)
Confirmation No.:	4433)
)
Customer No.:	022913)
)
Examiner:	Hung T. Vy)

CERTIFICATE OF FACSIMILE TRANSMISSION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this paper is being transmitted via facsimile at facsimile number 801-328-1707 to the Patent and Trademark Office to phone no. 703-872-9306 (Formal Fax No.) on the date shown below.

- Transmittal Letter (2 pages)
- Petition for Three-Month Extension (2 pages)
- Credit Card Payment Form in the amount of \$1020.00
- Amendment "A" (10 pages)
- Terminal Disclaimer (3 pages)

Dated this 8th day of December, 2004.

Respectfully submitted,



Eric L. Maschoff
Attorney for Applicant
Registration No. 36,596
Customer No. 022913

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Examiner:	Hung T. Vy)

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action mailed June 8, 2004 (the "Office Action"), please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.